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In re Application of :
SNYDER, Randall A. et al. :
Application No.: 10/521,520 :
PCT No.: PCT/US2003/023643 :
Int. Filing Date: 18 July 2003 :
Priority Date: 18 July 2002 :
Attorney Docket No.: 6783P104 :
For: WIRELESS MESSAGING ADDRESS :
SYSTEM AND METHOD :
DECISION

This is a decision on applicants' "Petition For Revival of International Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 23 February 2007.

BACKGROUND

On 15 August 2007, the Office mailed Decision on Petition, dismissing applicants' petition under 37 CFR 1.137(b) as the proper response had not yet been furnished.

On 22 October 2007, applicants submitted a petition under 37 CFR 1.182.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) have been satisfied. Applicants have made the necessary statement and paid the petition fee. A terminal disclaimer is not required as this application was filed on or after 08 June 1995.

Item (2) has now been satisfied. This application went abandoned for failure to timely supply an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Applicants have now supplied a petition under 37 CFR 1.182 to correct an error in naming inventor Pirie in the international application. See MPEP 605.04(c).

The fee for the petition under 37 CFR 1.182 will be charged to deposit account no. 02-2666, as authorized. The petition states that the inventor Pirie is properly named "Michael Pirie," not "Mike Pirie" and that the error in naming him occurred without deceptive intention on his part. This petition in combination with the earlier declarations satisfies the requirements of 37 CFR 1.497(a)-(b).

CONCLUSION

Applicants' petitions under 37 CFR 1.182 and 1.137(b) are **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 23 February 2007.

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